

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The title stands objected to for allegedly being not descriptive.

Claims 1-3, 15, 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mochizuki et al. (U.S. Patent Application Publication No. 2002/0105267).

Claim 1-4, 10 and 15-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Miyazawa (U.S. Patent Application Publication No. 2003/0127974).

Claims 5-9, 11-14 and 19-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

A copy of a postcard receipt stamped by the United States Patent and Trademark Office on June 27, 2003 is submitted herewith. Applicant amends the title and claims 1, 4, 10, 15, 16 and 24 by this amendment. Accordingly, claims 1-28 remain currently pending.

Priority

Applicant respectfully requests acknowledgment of the claim for foreign priority under 35 U.S.C. § 119 and the associated filing of a certified copy of Korean Patent Application No. P2002-039475. A certified copy of this Korean patent application was filed in the United States Patent and Trademark Office on June 27, 2003. This filing is evidenced by the enclosed copy of a postcard receipt stamped by the United States Patent and Trademark Office on June 27, 2003 listing a transmittal, which includes a claim for foreign priority, and a certified copy of the Korean patent application. These papers were filed in accordance with the requirements of 35

U.S.C. §119(b). Accordingly, acknowledgment of receipt of such claim for foreign priority and associated filing of a certified copy is respectfully requested in the next office communication.

Objection to the Title

The title stands objected to for allegedly being not descriptive. Applicant has amended the title to address the Examiner's concerns. Accordingly, Applicant respectfully requests the objection to the title be withdrawn.

The Disposition of the Claims

Applicant appreciates the Examiner's indication that claims 5-9, 11-14 and 19-28 would be allowable if rewritten in independent form as noted at paragraph 11 of the Office Action. While Applicant agrees that these claims are allowable and patentably distinguish over the prior art, Applicant respectfully does not acquiesce that patentability resides only in the features expressed at paragraph 12 of the Office Action, nor that each and every feature recited in the claims is required for patentability.

In addition, claims 1-4, 10 and 15-18 are also believed to be allowable for at least the following reasons.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1-3, 15, 17 and 18 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mochizuki et al. To the extent that this rejection might be applied to claims 1-3, 15, 17 and 18, as newly-amended, it is respectfully traversed for at least the following reasons.

In particular, Applicant has amended independent claims 1 and 15 to incorporate some of the features set forth in original claims 4, 10 and 24. Further, Applicant respectfully submits that Mochizuki et al. does not anticipate claims 1-3, 15, 17 and 18 because Mochizuki et al. does not disclose every feature of these recited claims. For instance, it is respectfully submitted that

Mochizuki et al. fails to teach or suggest the claimed combination as set forth in independent claim 1, as newly-amended, including at least “a switching device formed on the low refractive thin film or formed between the substrate and the low refractive thin film for selectively driving the organic electro luminescence diode.” In addition, Applicant respectfully submits that Mochizuki et al. fails to teach or suggest the claimed combination as set forth in independent claim 15, as newly-amended, including at least “forming a switching device on the low refractive thin film or between the substrate and the low refractive thin film for selectively driving the organic electro luminescence diode.”

In contrast to Applicant’s claimed combinations, as a whole, Mochizuki et al., at paragraph [0082], discloses a display device including “an electroluminescent (EL) element having a low refractive index light transmitting film formed on a transparent substrate.” Also, see FIG. 13 of Mochizuki et al. In particular, as shown in FIG. 13, a thin film transistor (246) is formed on “an insulating member 248...buried between the EL element and an EL element.” Paragraph [0083], lines 10-12 of Mochizuki et al. Thus, the thin film transistor (246) of Mochizuki et al. is formed on the insulating member (248) and between two adjacent EL elements.

M.P.E.P. § 2131 states “[t]o anticipate a claim, the reference must teach every element of the claim.” Applicant respectfully submits that since Mochizuki et al. does not teach or suggest every feature of independent claims 1 and 15, as newly-amended, Mochizuki et al. does not anticipate claims 1 and 15. Further, since claims 2, 3, 17 and 18 depend from one of claims 1 and 15, it is respectfully submitted that Mochizuki et al. also does not anticipate claims 2, 3, 17 and 18. Accordingly, withdrawal of this rejection of claims 1-3, 15, 17 and 18 under 35 U.S.C. §102(e) based on Mochizuki et al. is respectfully requested.

Claim 1-4, 10 and 15-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Miyazawa. This rejection is respectfully traversed for at least the following reasons.

Applicant respectfully submits that Miyazawa should not be considered as prior art in the present application under any subsection of 35 U.S.C. §102. On June 27, 2003, Applicant filed a transmittal, which includes a Claim for Priority, and a Certified copy of Korean Patent Application No. P2002-039475, which was filed in Korea on July 8, 2002. Pursuant to 37 C.F.R. §1.55(a), Applicant will shortly submit a verified translation of Korean Patent Application No. P2002-039475. The U.S. filing date of Miyazawa is October 30, 2002, which is after the priority date to which the present application is entitled. The publication date of any foreign counterpart applications of Miyazawa would also presumably be after the priority date to which the present application is entitled. Accordingly, Applicant respectfully submits that Miyazawa should not be considered as prior art in the present application under any subsection of 35 U.S.C. §102. Hence, it is respectfully requested that the rejection of claims 1-4, 10 and 15-18 under 35 U.S.C. §102(e) based on Miyazawa be withdrawn.

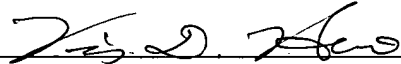
Conclusion

In view of the foregoing, withdrawal of the rejections and allowance of the pending claims are earnestly solicited. Should there remain any questions or comments regarding this response or the application in general, the Examiner is urged to contact the undersigned at the number listed below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Victoria D. Hao
Registration No. 47,630

Dated: February 17, 2005

Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001